

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : **Fernandez et Castro et al.**
Appln. No. : **10/591,243**
U.S. Filing Date: **August 31, 2006**
Title : **HIGH ALCOHOL CONTENT FOAMING
COMPOSITIONS WITH SILICONE-BASED
SURFACTANTS**
Grp./A.U. : **1616**
Examiner : **CHUI, MEI PING**
Docket No. : **23995US01**

Commissioner for Patents
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the Applicants' duty of disclosure under 37 C.F.R. §1.56, the Applicants wish to file this Information Disclosure Statement ("IDS") under 37 CFR §1.97(c). This disclosure is also accompanied by Forms PTO SB/08A.

Pursuant to 37 C.F.R. §1.97(g) and (h), the disclosure of this information in this Information Disclosure Statement shall not constitute a representation that a search for prior art was made or an admission that the information is material or that it is prior art.

1. The present application is assigned to Deb Worldwide Healthcare Inc. Deb Worldwide Healthcare Inc. is related to Deb IP Limited, which is the current assignee of **US Application 12/624,073**, published as US Publication No. 20100069505 and its parent **US Patent No. 7,670,615**.

Deb Worldwide Healthcare Inc. is also the assignee of a number of other US patents and pending applications related to foamable alcohol compositions, including:

a. **US Patent No. 7,199,090**, issued on April 3, 2007 from US Application No. 10/952,474 (filing date: September 29, 2004) and published as US Publication No. 20050129626. The '474 application claimed priority from US Provisional Application No. 60/591,601 filed on July 28, 2004 and US Provisional Application No. 60/506,172 filed on September 29, 2003.

b. **US Patent No. 7,683,018**, issued on March 23, 2010 from US Application No. 11/507,626 (filing date: August 22, 2006) and published as US Publication No. 20070027055. It is a continuation of the '474 application.

c. **US Application 12/659,063** (filing date: April 24, 2010), published as US Publication 20100160453 on June 24, 2010. It is a continuation of the '626 application.

d. **US Application 11/520,819** (filing date: September 14, 2006), published as US Publication 20070065383 on March 22, 2007. It is a continuation-in-part of the present application.

e. **US Application 11/806,767** (filing date: June 4, 2007), published as US Publication 20070258911 on November 8, 2007. It is a continuation of the present application.

2. Prior to the filing date of the present application, Deb Worldwide Healthcare had developed a foamable alcohol composition comprising alcohol (either alone or in combination of ethanol and isopropanol) in a concentration higher than 60% by volume, a fluorosurfactant, water and other components.

a. In October 2003, a representative of Deb demonstrated the foamable alcohol composition at an International Sanitary Supply Association (ISSA) trade show in the United States. He told selected attendees at the trade show that the composition had a concentration of alcohol effective to act as a skin disinfectant. He did not disclose any other components of the composition, so there was no disclosure that the composition included a fluorinated surfactant.

b. In October 2003 and earlier, the inventors discussed the foamable alcohol composition to representatives of DuPont, which was considered a potential customer or business partner. The discussions were held in Canada, though telephone discussions with DuPont representatives in the United States may have also occurred. The DuPont representatives were told that the composition had a concentration of alcohol effective to act as a skin disinfectant and that it included fluorinated surfactant. At that time, the inventors and DuPont had entered into a confidentiality agreement that prohibited DuPont from disclosing the information that it received from them. The inventors and DuPont did not discuss any price, quantities or delivery dates for the foamable alcohol composition.

c. In February 2004 and possibly earlier, representatives of Deb demonstrated the foamable alcohol composition to representatives of 3M, which was considered a potential customer or business partner. The 3M representatives were told

that the composition had a concentration of alcohol effective to act as a skin disinfectant. At some time after March 5, 2004 but before November 2004, Deb disclosed to 3M that the foamable alcohol composition included fluorinated surfactant. At that time, Deb and 3M were parties to a confidentiality agreement that prohibited 3M from disclosing the information that it received from Deb. In September 2004, Deb provided preliminary pricing for the foamable alcohol composition to 3M. In November 2004, Deb and 3M ended their discussions regarding the foamable alcohol compositions that included fluorinated surfactant.

d. On information and belief, by March 24, 2004, Deb had demonstrated its foamable alcohol composition to representatives of Kimberly-Clark. They were told that the composition had a concentration of alcohol effective to act as a skin disinfectant, but it was not disclosed that the composition included a fluorinated surfactant. There was never any discussion of price, quantity, delivery or any other terms under which Deb would sell the foamable alcohol composition to Kimberly-Clark.

The Commissioner is authorized to charge our Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd. for the fee required in connection with this submission. The Examiner is invited to telephone the applicants' undersigned attorney at (312) 775-8202 if there are any questions or if further information is required.

Respectfully submitted,



Michael B. Harlin
Reg. No. 43,658
Attorney for Applicants

Date: September 27, 2011

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone (312) 775-8000
Facsimile (312) 775-8100